

8. **2005Z-117G-14** (This zoning was amended to SP at Council.)
Map 108, Parcel 334
Subarea 14 (2004)
District 13 - Carl Burch

A request to change from ON to OL district property located at 3300 Elm Hill Pike, at the northern terminus of Trails End Lane (1.61 acres), requested by Gregg H. Eatherly, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Request to change 1.61 acres from Office Neighborhood (ON) to Office Limited (OL) district property located at 3300 Elm Hill Pike, at the northern end of Trails End Lane.

Existing Zoning

ON district: Office Neighborhood is intended for low intensity office uses.

Proposed Zoning

OL district: Office Limited is intended for moderate intensity office uses.

DONELSON/HERMITAGE COMMUNITY PLAN POLICY

Residential Medium -RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict -Yes. The proposed OL district allows office uses, which are not consistent with the residential intent of the RM policy.

History -The property in question was rezoned to ON zoning in 2003. The owner had originally requested MUL in order to allow a daycare use of upwards of 75 children. Staff recommended disapproval of the requested MUL zoning and the Commission also recommended disapproval to the Council because the requested MUL zoning was inconsistent with the RM policy. The district councilperson amended the bill at Council to ON, which was also considered to be disapproved by the Commission because ON also was not consistent with the residential RM policy. Parcel 334 was subsequently subdivided off of parcel 053. Parcel 053 remained zoned RS10 and is not part of this zoning request.

Following Council approval of ON zoning for the property, the applicant learned that a daycare for more than 75 children is not permitted in the ON zoning district. The applicant has requested OL zoning to permit use of the property for a daycare facility for more than 75 children, and the Zoning Code will allow such a use in the OL district if they comply with the conditions of 17.16.035, section C of the Zoning Ordinance, which govern the site's circulation, lot area, and outdoor play areas associated with the use.

RECENT REZONINGS Yes, this property was rezoned to ON in 2003.

TRAFFIC PUBLIC WORKS' RECOMMENDATION -No Exception Taken.

Typical Uses in Existing Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total s.f.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.61	0.056	3,927	110	14	84

Typical Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total s.f.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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General Office (710)	1.61	0.056	3,927	110	14	84
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Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					0	0

Maximum Uses in Existing Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total S.F.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office	1.61	0.4	28,052	498	69	111

Maximum Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total S.F.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office	1.61	0.75	52,599	813	113	138

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				315	44	27

Mr. Pereira presented and stated that staff is recommending disapproval.

Ms. Lynn Eatherly, 1324 Quail Run Road, spoke in favor of the zone change request.

Mr. Carter Neathery, 3205 Cedar Ridge Road, spoke in opposition of the zone change request.

Mr. Ponder spoke in support of staff recommendation.

Mr. Clifton spoke briefly of the pending legislation in Council that deals directly with daycares. He mentioned that this zone change request was not appropriate for this area.

Mr. Loring stated he was in favor of approving this request due to its compatibility with the other commercial developments located in the area.

Mr. Ponder moved and Ms. Nielson seconded the motion to disapprove zone change 2005Z-117G-14. **(9-1) No Vote - Loring**

Resolution No. RS2005-300

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-118U-10 is **DISAPPROVED**. **(9-1)**

The proposed office limited (OL) district allows office uses, which are not consistent with the residential intent of the Residential Medium land use policy of the Donelson/Hermitage Community Plan.”